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NOT FOR PUBLICATION

JAN 12 2006

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN MARTIN CASTILLO-
PRECIADO; GRISELDA CASTILLO,

　　　　Petitioners,

　v.

ALBERTO R. GONZALES, Attorney
General,

　　　　Respondent.

No. 04-76743

Agency Nos. A77-851-794
　　　　　　　　　A77-851-795

MEMORANDUM [*]

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 9, 2006 [**]

Before:　　HUG, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

　　Juan Martin Castillo-Preciado and Griselda Castillo, natives and citizens of

Mexico, petition pro se for review of the Board of Immigration Appeals' ("BIA")

decision denying their motion to reopen removal proceedings. To the extent we

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　　　[*]　　This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

　　　[**]　　The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

have jurisdiction, it is conferred by 8 U.S.C. § 1252. The BIA's denial of a motion

to reopen is reviewed for abuse of discretion. *de Martinez v. Ashcroft*, 374 F.3d

759, 761 (9th Cir. 2004). We dismiss in part and deny in part the petition for

review.

We dismiss the petition for review to the extent it challenges the July 22,

2004 order because the instant petition is timely only as to the BIA's order denying

Petitioners' motion to reopen. *See* 8 U.S.C. § 1252(b)(1) (providing that a petition

for review must be filed no later than 30 days after the final order of removal);

Stone v. INS, 514 U.S. 386, 405-06 (1995).

The BIA did not abuse its discretion in denying the motion to reopen

because Petitioners' failure to depart within the voluntary departure period

rendered them ineligible for the relief they sought. *See* 8 U.S.C. § 1229c(d); *de

Martinez*, 374 F.3d at 762-64 (holding that a motion to reopen filed after the

voluntary departure period expired did not toll the voluntary departure period).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.